

EXHIBIT B

**HARRIS AVENUE SHIPYARD SITE
REMEDIAL INVESTIGATION/FEASIBILITY STUDY
AND DRAFT CLEANUP ACTION PLAN
SCOPE OF WORK**

(The Month, 2009)

PURPOSE

The purpose of this Remedial Investigation/Feasibility Study (RI/FS) and Draft Cleanup Action Plan (DCAP) Scope of Work (SOW) for the Harris Avenue Shipyard Site (the Site) is to implement the Agreed Order (AO) entered into by the Department of Ecology (Ecology) and the Port of Bellingham (Port), to which this SOW is an Exhibit.

The RI/FS is intended to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup action for the Site. Once a cleanup action is selected, the Cleanup Action Plan (CAP) sets forth the preferred alternative.

This Scope of Work (SOW) is divided into six major tasks as follows:

- 1) Progress Reports
- 2) RI/FS Work Plan
- 3) Other Project Plans
- 4) Remedial Investigation
- 5) Feasibility Study
- 6) Draft Cleanup Action Plan

TASK 1 PROGRESS REPORTS

The Port shall submit progress reports quarterly unless a longer reporting period is approved by Ecology in writing. Progress reports shall be submitted to Ecology until satisfaction of the AO. Progress Reports shall be submitted to the Ecology project coordinator by the 10th of every third month following the effective date of the AO. If this day is a weekend or holiday, deliverables shall be submitted to Ecology on the next business day. At a minimum, progress reports shall contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the AO and SOW during the previous reporting period;
- An estimate of the percentage of RI/FS work completed to date;

- Summaries of sampling and testing reports and other data reports received by the Port;
- Summaries of deviations from approved RI/FS Work Plan or other Project Plans;
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state or tribal government;
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and RI/FS Work Plan or other Project Plans;
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays;
- Changes in key personnel; and
- A description of work planned for the next reporting period.

TASK 2 RI/FS WORK PLAN

In order to plan and manage the RI/FS and DCAP, the Port shall document project tasks and management strategies in a RI/FS Work Plan, which shall be developed and submitted to Ecology for review and approval in accordance with this SOW, including Tasks 4 and 5 and the schedule provided below. The RI/FS Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the Port shall implement the RI/FS Work Plan according to the schedule contained in this SOW — and according to any subsequent amendments to the RI/FS Work Plan or schedule made under the Order.

The RI/FS Work Plan shall specify and describe all tasks to be accomplished to complete an RI/FS and DCAP that meets the requirements of WAC 173-340-350, in accordance with the AO and this SOW.

The RI/FS Work Plan shall clearly describe the overall project management strategy for implementing and reporting on RI/FS and DCAP activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI/FS and DCAP shall be outlined.

Elements of the RI/FS Work Plan related to the RI/FS and DCAP include, but are not limited to, the following:

- A project management strategy including a description of individual RI/FS subtasks;
- A review of existing and available data to support the development of RI/FS tasks which may include, as appropriate, the following:
 - a) Physical features, including topography and bathymetry, structure locations, and utilities;
 - b) Soil, surface water and groundwater data, including contaminant concentrations and conventional parameters, depths and location of samples, which are necessary to determine the nature and extent of the contaminant(s), and comparison to applicable regulatory criteria;
 - c) Hydrogeologic data;
 - d) Sediment chemical and biological data, including contaminant concentrations and conventional parameters, depths and locations of samples, which are necessary to determine the nature and extent of the contaminant(s), and comparison to applicable regulatory criteria
 - e) Sediment dynamics data including current, waves, sedimentation rates, seismic, tsunami, and sea-level rise;
 - f) Natural resource data including plant and animal species, habitat types, and sensitive ecosystems;
 - g) Location and composition of current and historical contaminant sources including storm water and industrial discharges;
 - h) Current property ownership and zoning;
 - i) Current or planned land and in-water uses and their location, which may affect investigation and cleanup activities, including tribal, recreational and commercial fishing and shell fishing activities;
 - j) Historical, archeological, and cultural uses of the Site including recent and historical photographs; and
 - k) A list of potential permits or approvals that may be required for sampling activities, or the substantive requirements of applicable permits or approvals that are procedurally exempt under RCW 70.105D.090
- Data Gaps identified for completion of the RI/FS
- A draft outline of the final RI/FS Report including the types of data evaluation, figures, and tables that shall be included;
- A draft outline of the DCAP including the types of figures, and tables that shall be included;

- A proposed schedule for completion of all subtasks not currently accounted for in the SOW schedule; and
- Project personnel and responsibilities.

TASK 3 OTHER PROJECT PLANS

Pursuant to WAC 173-340-350(7)(c)(iv), the Port shall prepare and submit for Ecology review and approval a Sampling and Analysis Plan (SAP) which provides specific guidance for field and laboratory methodology. A Quality Assurance Project Plan (QAPP) and Health and Safety Plan (HASP) shall also be submitted as appendices to the SAP. The HASP is subject to comment by Ecology, but not subject to Ecology approval. Details of these plans are provided below.

Sampling and Analysis Plan - The Port shall prepare a SAP for RI/FS sampling and analysis activities in accordance with WAC 173-340-820, WAC 173-204-600, and the Sediment Sampling and Analysis Appendix, as updated. The purpose of the SAP is to provide an overview of the RI/FS sampling program that shall obtain information needed to meet the data needs described in Tasks 4 and 5 of the SOW.

The SAP shall describe the sampling objectives and the rationale for the sampling approach. A detailed description of sampling tasks shall then be provided, including specifications for sample identifiers; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and collection methods to be used; description of sample documentation; sample containers, collection, preservation and handling. The SAP shall describe sample custody and handling procedures, decontamination procedures, and the handling of investigative-derived wastes.

Quality Assurance Project Plan (Appendix to SAP). The Port shall prepare a QAPP for RI/FS sampling and analysis activities. The QAPP shall identify and describe laboratory methods and the QA/QC measures that shall be taken during the performance of all sampling and analysis tasks to ensure the fulfillment of data quality objectives. Data quality objectives shall reflect the criteria or threshold values used for remedial decisions. Laboratory methodology and QA/QC requirements shall be developed in accordance with Ecology guidance and the requirements of the Ecology Laboratory Accreditation Program and the Puget Sound Estuary Program (PSEP) and shall include the following elements:

- A brief project description, referencing the RI/FS Work Plan and/or SAP for details;

- Project management and QA responsibilities;
- Quality assurance objectives;
- Procedures for analysis of samples and reporting of results, including:
 - Detection or quantitation limits;
 - Analytical techniques and procedures;
 - Quality assurance and quality control procedures; and
 - Data reporting procedures and validation procedures.

The Port shall use an Ecology-accredited laboratory for the specific analyses to be performed under this AO. If an unaccredited lab is proposed to be used, the results of recent performance audits and systems audits shall be provided to Ecology prior to use of the lab.

Health and Safety Plan (Appendix to SAP) - The Port shall prepare a HASP for RI/FS activities in accordance with WAC 173-340-810. The HASP must be consistent with the requirements of the Washington Industrial Safety and Health Act of 1973, Chapter 49.17 RCW and implementing regulations, including any updates or amendments. The HASP shall identify specific monitoring and management responsibilities and activities to ensure the protection of human health activities associated with completion of the RI/FS.

TASK 4 REMEDIAL INVESTIGATION (RI)

The Port shall conduct a remedial investigation that meets the requirements of WAC 173-340-350(7), according to the RI/FS Work Plan as approved by Ecology and the schedule contained below. Key components of the RI for this Site that may be captured in the RI/FS Work Plan are as follows:

- Nature and extent of contamination;
- Contaminant fate and transport processes;
- Assessment of potential human health and ecological health concerns; and
- Source control and recontamination evaluation.
- All the associated figures, tables, and photos.

TASK 5 FEASIBILITY STUDY (FS)

The Port shall use the information obtained in the RI to conduct a Feasibility Study that meets the requirements of WAC 173-340-350(8). The FS shall include:

- Determination of cleanup standards and legally applicable, relevant or appropriate laws;
- Identification and screening of cleanup technologies;
- Basis for assembly of cleanup action alternatives;
- Description of cleanup action alternatives;
- Preparation of feasibility-level cost estimates for each proposed cleanup action alternative;
- Comparative evaluation of proposed cleanup action alternatives; and
- Recommendation of a preferred cleanup action alternative for the Site.
- All the associated figures, tables and photos.

TASK 6 DRAFT CLEANUP ACTION PLAN (DCAP)

The final RI/FS and public comments received will be used by Ecology to select a preliminary remedy for the Harris Avenue Shipyard Site. The Port shall develop the general outline of sections to be included in the draft Cleanup Action Plan (DCAP) in the RI/FS Work Plan, and then prepare a DCAP that addresses Ecology's proposed cleanup action for the Site. The DCAP shall meet the requirements of WAC 173-340-380(1), follow the RI/FS Work Plan outline as approved by Ecology, and be submitted to Ecology per the schedule below.

Key components of the DCAP for this Site that are to be captured in the RI/FS Work Plan are as follows:

- Description of cleanup requirements and applicable laws;
- Summary description of remedial alternatives considered in the RI/FS;

- Basis for selection of proposed cleanup action;
- Description of proposed cleanup action, including compliance monitoring, contingency responses and institutional controls; and
- Anticipated schedule for design and implementation

DELIVERABLES

The Port shall prepare and submit all plans, reports, and studies listed below (items a through d) as required by the Order.

Specific deliverables described in this SOW include:

- a) RI/FS Work Plan and Other Project Plans – The Port shall submit for Ecology review and approval an RI/FS Work Plan, SAP, and QAPP in accordance with the schedule below. The HASP shall also be submitted but not approved by Ecology.
- b) RI/FS Data Report – After receipt of validated sampling and analysis data the Port shall submit for Ecology review and approval a RI/FS Data Report that presents the data collected under this Order. All data shall be submitted to Ecology in EIM format.
- c) RI/FS Report – The Port shall summarize and compile the results of Tasks 4 and 5 into one site-wide RI/FS Report. The RI/FS report shall follow the outline contained in the RI/FS Work Plan as approved by Ecology, including any amendments made to the RI/FS Work Plan under the Order.
- d) DCAP - The DCAP shall follow the outline contained in the RI/FS Work Plan as approved by Ecology, including any amendments made to the RI/FS Work Plan under the Order.

For all documents:

- All deliverables shall be submitted to Ecology in electronic (Word and Adobe formats) and hard-copy formats;

- A draft shall be submitted to Ecology for review and approval in accordance with this SOW, including the schedule outlined below, and the RI/FS Work Plan.

For all documents but the DCAP¹:

- Ecology will provide written comments on a draft document as necessary. All written comments will be provided directly from Ecology's Project Coordinator to the PLPs after Ecology's Project Coordinator has reviewed them for relevance and edited them appropriately, so that Ecology speaks with a unified voice when communicating with the PLPs.
- If Ecology comments on a draft document, the Port shall revise the draft by incorporating and/or otherwise addressing Ecology's comments. The Port shall resubmit an electronic redlined/strikeout revised draft to Ecology for review and approval.
- For the RI/FS Work Plan, RI/FS Data Report, SAP, and QAPP, once Ecology approves a draft it shall be considered the final version. For the RI/FS Report, once Ecology approves a draft, it shall be considered the final draft for public review purposes (the public review draft or draft final document); and
- Following public review of the draft final RI/FS Report, the Port shall prepare and submit for final approval by Ecology a final draft, which addresses public comments as Ecology determines necessary (if changes to the document following public comment are determined to be substantial, the revised document shall be subject to additional public notice and comment);
- Upon Ecology approval, the final draft RI/FS Report submitted shall be the final document; and
- Ecology, in its discretion, with assistance from the Port, and pursuant to the terms of the Order, may prepare a Responsiveness Summary to public comments.

¹ The DCAP will be reviewed and finalized subsequent to completion of all tasks under this Order and will then be subject to public notice and comment, and the final CAP that results will be incorporated as an exhibit to a future legal agreement, which will also have been issued by Ecology for public review and comment prior to being finalized and filed in court.

SCHEDULE

The schedule for all tasks described in this SOW is presented below. If, at any time during the RI/FS process, unanticipated conditions or changed circumstances are discovered which may result in a schedule delay, the Port shall bring such information to the attention of Ecology. Pursuant to Section VIII.K of the AO, Ecology shall determine whether a schedule extension is warranted.

Completion times are calendar days. Any deadline which falls on a holiday or weekend shall be extended to next business day.

Ecology shall endeavor to provide comments within 60 days of receipt of a formal deliverable for review.

RI/FS ActionsCompletion Time

Draft RI/FS Work Plan, SAP, QAPP, and HASP

60 days from effective date of the Order

Final RI/FS Work Plan, SAP, QAPP, and HASP incorporating Ecology's comments

60 days from receipt of Ecology's final comments on Draft RI/FS Work Plan, SAP, and QAPP and HASP

Draft RI/FS Data Report

360 days from Ecology's approval of Final RI/FS Work Plan, SAP, and QAPP documents, or as set forth in the Final RI/FS Work Plan schedule

Final RI /FS Data Report incorporating Ecology's comments

60 days after receipt of Ecology's final comments on the Draft RI/FS Data Report

Draft RI/FS Report

180 days from Ecology approval of the Final RI/FS Data Report

Draft RI/FS Report for Public Review

120 days from receipt of

Incorporating Ecology's comments

Ecology's final comments on the Draft RI/FS Report

Final RI/FS Report incorporating Ecology's comments

90 days from the close of public comment period or from receipt of Ecology's comments in the event Ecology determines that changes are necessary due to public comment.

Draft Cleanup Action Plan

90 days from Ecology approval of the Final RI/FS Report.